



REMARKS

Claims 1-21 are pending. New claim 11 is supported by original claim 2. New claims 12-19 are supported are supported in the specification beginning in the last paragraph of page 5, and extending until the first full paragraph of page 7, as well as Figs. 1a-1c and 2a-2c. Finally, new claims 20-21 recite subject matter originally presented in claims 1 and 7, respectively, but removed to simplify the claims. No new matter is being claimed.

Applicants hereby confirm the election of election of Figures 1a-1c and claims 1-7, and additionally acknowledge the withdrawal of claims 8-10 from consideration at this time.

I. Drawings and Specification

The drawings stand objected to as not showing a particular reference numeral. In response, Fig. 2b has been amended to insert a prime symbol after 14 to correct the omitted "14".

The specification stands objected to because of informal matters. Applicants thank the Examiner and adopt his suggestions in amending the specification.

II. Information Disclosure Statement

The Office Action states that although SE 462809, FR 2897275 and FR 2268922 have been properly cited on a PTO Form-1449 in an Information Disclosure Statement filed by the Applicants, none of these references have been considered because the Information Disclosure Statement filed with the application on April 6, 2001 did not contain a concise explanation of the relevance of these non-English language references. In response, Applicants have concurrently filed a Substitute Information Disclosure Statement, providing translations of the abstracts of SE '809 and FR '275. As Applicants are not in possession of an English-language translation of the abstract of FR '922, a brief explanation is being provided with the Information Disclosure Statement. Additionally, Applicants presently cite co-pending U.S. Application No. 09/806,994

and the references cited therein. As such, Applicants respectfully request consideration of these references.

III. 35 USC § 112

1. First Paragraph

Claim 5 stands rejected under 35 USC § 112, first paragraph, as allegedly not enabling one of ordinary skill in the art to make or use the invention commensurate with the scope of the claim.

As Applicants respectfully submit that the Examiner's understanding of this claim is incorrect, Applicants request reconsideration. Claim 5 does not recite any particular distance. Rather, it is directed to joining profiles, "wherein the distance between the centers of the lips of the joining profiles is less than the distance between the centers of the grooves". As described in the specification, such construction causes the joining profile to "exercise a clamping force on the joint" (Page 2, last full paragraph).

In any event, Applicants have additionally cited U.S. Patent No. 5,706,621 as an example of joining profiles wherein such a difference in distances results in a mechanical lock. In particular, Applicants direct the Examiner's attention to Figs. 2a-2c, 3a-3c, 6, wherein a flexible strip, indicated at 6, is formed with a locking element 8, such that the locking element 8 and the locking groove 14 form a mechanical connection to mechanically secure panel 1 to panel 2. Because dovetail gripping edge 52 as a width less than the space between the punched and bent tongues 54 and lips 56 of strip 6, a mechanical lock is formed. Thus, Applicants respectfully present that one of ordinary skill in the relevant art would know how to make and use the invention commensurate with the scope of claim 5 from the disclosure provided in the last paragraph of page 2 of the present specification. Reconsideration is requested.

2. Second Paragraph

Claims 1, 3, 6 and 7 stand rejected under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim that which is considered the invention. In response, each of these claims has been amended in accordance with the Examiner's suggestions.

Claim 2 additionally stands rejected under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim that which is the invention. The Office Action asserts that claim 2 is improper for reciting a narrow range inside a broader range. In response, the narrower range has been removed from claim 2, and placed in new claim 11. As this particular amendment merely removes improperly presented features, the scope of claim 2 remains unchanged.

IV. 35 USC § 103

1. Claims 1-3 and 5-7

Claims 1-3 and 5-7 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over SE 802375-5 in view of Pressell (U.S. Patent No. 4,461,131). The Office Action asserts that SE '375 teaches each feature of the rejected claims, except for the cheek being a first and a second independently resilient cheek, for which purpose Pressell is cited. As a result, the Office Action continues, it would have been obvious to modify the structure taught by SE '375 "to show the cheek being a first and a second independently resilient cheek because the examiner takes Official Notice of the equivalence of two cheek [sic] on a joining profile and one cheek on the joining profile" (Office Action, paragraph bridging pages 7 and 8).

However, Applicants must take issue with such a reading of SE '375. Specifically, although the Office Action states that the central cheek 10 is resilient, nowhere in this document is the central cheek 10 described as being resilient. It is understood by one of ordinary skill in the art that any resilient action of a single central cheek will not have any effect when joining

panels by means of the joining profile. In contrast, SE '375 actually teaches that the lower flange 6 is resilient, as it provides a snapping action to the end flanges 11.

In any event, Applicants respectfully present that it is not proper to combine Pressell with SE '375. Specifically, the invention of Pressell lacks the central cheek, considered necessary to SE '375, nor the two independently resilient cheeks as recited by the present claims and indicated at 13 and 13'. The tongues (14 and 14' of the present invention) are used for guiding adjacent panels in a vertical direction making sure that the upper surface of adjacent panels are flush. Since no part of the panels of Pressell are joined in this manner, it is not understood how such a combination of the teachings of Pressell with SE '375 render obvious the present claims, because the joints between panels of Pressell are designed to allow movement, both vertically and horizontally, between adjacent panels.

Additionally, although the Office Action takes Official Notice that the use of one cheek is equivalent to the use of two cheeks, Applicants respectfully submit that the use of independently resilient cheeks is not equivalent to the single cheek of SE '375. In particular, Applicants direct the Examiner's attention to Fig .1b of the present specification, showing the joining profile 10 and floor boards 1 and 2 during installation. It is the fact that the central cheek section is split into the first and second resilient cheeks that allows the particular interactions as claimed. Specifically, because the central cheek 10 of SE '375 does not comprise a first and a second independently resilient cheek (nor is resilient at all), it is not understood how the floor boards of SE '375 can be vertically joined, as required by the present claims.

2. Claim 4

Claim 4 stands rejected under 35 USC § 103(a) as allegedly being unpatentable over SE '375 in view of Pressell in further view of Schwartz (U.S. Patent No. 5,058,333). The Office Action asserts that because Schwartz teaches a floor board having a groove thinner than the maximum thickness of the floor board by means for a recess located on the lower side, the subject matter recited by claim 4 would be obvious to one of ordinary skill in the art. However, Applicants respectfully submit that Schwartz does not make up for the deficiencies of SE '375 and Pressell (with respect to claim 2), and as such, claim 4 cannot be considered obvious. Thus, in light of the discussion presented above, Applicants respectfully request reconsideration.

V. Conclusion

For at least the foregoing reasons, withdrawal of all objections and rejections and passage of the application to issue are respectfully requested.

Respectfully submitted,



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ATTACHMENT I - Marked-Up Specification Paragraphs

Paragraph bridging pages 5 and 6:

The grooves are placed on the lower side 5 at a distance of less than one fourth of the width of the floor board 1, from the closest edge 2. The section placed between the edges 2 and the grooves 4 has a thickness which is less than the maximum floor board thickness by a recess 6 on the lower side 5 of the floor board 1. The thickness of the floor board 1 is normally between 5 and 15 mm whereby a suitable depth of the recess is 1-5 mm. The joining profile 10 is provided with lips 11 arranged in pairs. The lips 11 are each intended to be received by one of the grooves 4 of a floor board 1 so that adjacent floor boards 1 with the grooves at the adjacent edges 2 are guided and fixed horizontally via the lips 11 of a joining profile 10. The lips 11 are connected to each other via a middle section 12 on the joining profile 10. The floor boards 1 will hereby be forced against each other whereby gaps can be avoided. The joining profiles 10 are provided with a central cheek section 13 which is constituted by a first and a second independently resilient cheek 13' and 13" respectively. The cheeks 13' and 13" respectively, are provided with each one tongue 14' and 14" respectively. The tongues 14' and 14" respectively are intended to be received by each one groove 2' whereby adjacent floor boards 1 are guided in the vertical direction. The joining profiles 10 are manufactured in lengths exceeding the length of a floor board 1 and are cut to the desired length at the assembly. It is possible to provide the joining profiles 10 in the form [from] of rolls. The embodiment shown in the figures 1a-c will give a minimum of machining and loss of the costly decorative upper surface 3 during manufacturing.

Paragraph bridging pages 6 and 7:

The section placed between the edges 2 and the grooves 4 has a thickness which is less than the maximum floor board thickness by a recess 6 on the lower side 5 of the floor board 1. The thickness of the floor board 1 is normally between 5 and 15 mm whereby a suitable depth of the recess is 1-5 mm. The joining profile 10 is provided with lips 11 arranged in pairs. The lips 11 are arranged on a greater distance from each other than as previously shown in figure 1. The lips 11 are each intended to be received by one of the grooves 4 of a floor board 1 so that adjacent floor boards 1 with the grooves 4 at the adjacent edges 2 are guided and fixed horizontally via the lips 11 of a joining profile 10. The lips 11 are connected to each other via a middle section 12 on the joining profile 10. The floor boards 1 will hereby be forced against each other whereby gaps can be avoided. The joining profiles 11 are provided with a central cheek section 13 which is constituted by a first and a second independently resilient cheek 13' and 13" respectively. The cheeks 13' and 13" respectively are placed at a greater distance from each other than as previously shown in figure 1. The cheeks 13' and 13" respectively are provided with each one tongue 14' and 14" respectively. The tongues 14' and 14" respectively are intended to be received by each one groove 2' whereby adjacent floor boards 1 are guided in the vertical direction. The joining profiles 10 are manufactured in lengths exceeding the length of a floor board 1 and are cut to the desired length during the installation. It is possible to provide the joining profiles 10 in the form [from] of rolls. The embodiments shown in the figures 2a-c will give a minimum of machining and loss of the costly decorative upper surface 3 during manufacturing. A decorative strip 20 is assembled from above, into the gap that is formed between two floor boards 1. The decorative strip 20 is provided with heels 21 at its lower part. The heels 21 are intended to interact with depressions 15 on the joining profile 10. The decorative strip 20 is furthermore provided with shoulders 22 which are intended to interact with edges 16 on the joining profile 10.

Page 7, last paragraph:

The invention is not limited to [by] the embodiments shown since these can be varied in different ways within the scope of the invention.



ATTACHMENT III - Marked-Up Claims

1. (Amended) Vertically joined flooring material comprising floor boards [(1)] with a [mainly square, rectangular, rhomboidal or] polygonal shaped [shape, as seen from above] upper surface, which floor boards [(1)] are provided with edges, [(2) which are provided with] a groove [(2')], a lower side [(5)] and a decorative top surface [(3)], whereby the floor boards [(1)] are intended to be vertically joined by means of separate joining profiles [(10), characterised in that], wherein at least one edge is [all edges (2) are] provided with one groove [(4)] each, which groove is [grooves (4) are] arranged parallel to its respective edge [(2)] and that the joining profiles [(10)] are provided with lips [(11)] arranged in pairs, which lips [(11)] each are intended to be received by the groove [(4)] of a respective floor board [(1)] so that adjacent floor boards [(1)] with the grooves [(4)] at the adjacent edges [(2) is] are guided and fixed horizontally by the lips [(11)] of [a] the joining profile [(10)], which lips [(11)] are connected to each other by a middle section [(12)] of the joining profile [(10)] and that the joining profile [(10)] is provided with a central cheek section [(13)] which is comprised by a first and a second independently resilient cheek [(13'and 13"respectively)] which cheeks [(13'and 13"respectively)] are provided with one tongue [(14'and 14"respectively)] each whereby the tongues [(14'and 14"respectively)] are intended to be received by one groove [(2')] each so that adjacent floor boards [(1)] are guided in a vertical direction.

2. (Amended) Vertically joined flooring material according to claim 1, [c h a r a c t e r i s e d in that] wherein the groove[s (4)] is on the lower side and is [(5) are] arranged [on] at a distance from the closest edge [(2)] less than half [, preferably less than one quarter] of the width of a floor board [(1)].

3. (Amended) Vertically joined flooring material according to claim 2, [c h a r a c t e r i s e d in that] wherein the floor boards [(1)] are provided with a groove [(4)] at the edges [(2)] and that the distance between each groove [(4)] and the closest edge [(2)] is [mainly] about the same.

4. (Twice Amended) Vertically joined flooring material according to claim 2, [characterized in that] wherein the part of the floor board [(1)] located between each edge and its respective groove [(4)] is thinner than the maximum thickness of the floor board [(1)] by means of a recess [(6)] located on the lower side [(5)].

5. (Twice Amended) Vertically joined flooring material according to claim 1, [characterized in that,] wherein the distance between the centers of the lips [(11)] of the joining profile [(10)] is [somewhat smaller] less than the distance between the centers of the grooves [(4)] placed on each side of and closest to the edge [(2)] of two adjacent floor boards [(1)].

6. (Twice Amended) Vertically joined flooring material according to claim 1, [characterized in that,] wherein the joining profiles [(10)] are manufactured in long sections which may be cut into a desired length [of the joining profiles (10) exceeds], exceeding the length of a floor board [(1)] before being cut.

7. (Twice Amended) Vertically joined flooring material according to claim 1, [characterized in that,] wherein the joining profiles [(10)] and[/or the floor boards] are partially coated with glue or adhesive tape.

8. (Twice Amended) Vertically joined flooring material according to claim 1, [characterized in that,] wherein a decorative strip [(20)] is intended to be assembled from above] is positioned in an intentional gap formed between two floor boards [(1)].

9. (Amended) Vertically joined flooring material according to claim 8, [characterized in that,] wherein the decorative strip [(20)] is provided with heels [(21)] on its lower part intended to [interact] with corresponding depressions [(15)] on the joining profile [(10)].

10. (Twice Amended) Vertically joined flooring material according to claim 8, [characterized in that,] wherein the decorative strip [(20)] is provided with shoulders [(22)] [intended] to rest against the upper edges [(16)] of the joining profile [(10)].